

DATE

Ms. Michelle L. Neil
Assistant Parish Attorney
Terrebonne Parish Consolidated Government
7905 Park Avenue
Houma, LA 70364

Re: Docket No. 2022-084
Advisory Opinion

Dear Ms. Neil:

The Louisiana Board of Ethics, at its April 8, 2022 meeting, considered your request on behalf of the Terrebonne Parish Consolidated Government ("TPCG") for an advisory opinion approving a disqualification plan relative to Gregory Harding, an Athletics Program Coordinator for the TPCG Parks and Recreation Department, and his minor son, who would like to be hired as a Scorekeeper/Clock Operator.

FACTS PROVIDED

You provided that you represent the TPCG, Terrebonne Parish President Gordon E. Dove, and Parks and Recreation Director Roddy Lerille. You stated that the TPCG wishes to hire the minor son of Gregory Harding, an Athletics Program Coordinator, to work in the capacity of Scorekeeper/Clock Operator. You stated that both the Athletics Program Coordinator and the Scorekeeper/Clock Operator positions fall under the organization of the Department of Parks and Recreation, of which Mr. Lerille serves as the Agency Head. You stated that Mr. Harding is an Athletic Program Director and is responsible for managing programs and employees assigned to facilities on the west side of Terrebonne Parish. You stated that Christopher Singleton is also employed as an Athletic Director and is responsible for managing programs and employees assigned to facilities on the east side of Terrebonne Parish. In order to avoid any participation violations by Mr. Harding and his son, the TPCG intends to assign the son to work at facilities on the east side of the parish under the supervision of Mr. Singleton. The TPCG established the following protocol as a disqualification plan:

1. Mr. Singleton shall be the direct supervisor of Mr. Harding's son.

2. Mr. Harding shall have no supervisory control over his son, and the Director shall not assign Mr. Harding to supervise his son.
3. Mr. Harding's son shall be directed to refer any of his employment issues directly to Mr. Singleton. If Mr. Singleton is unavailable or if the employment issue involves Mr. Singleton, then he shall refer to the Director or the Administrator of the Agency, Jim Wendell.
4. Mr. Harding shall not conduct training for his son, and his son shall not attend any training conducted by Mr. Harding.
5. Mr. Harding shall not review, approve, or make recommendations to anyone in regard to his son's work schedule or pay rate. If Mr. Harding is asked for such a recommendation, he is to refer all personnel issues involving his son directly to Mr. Singleton.
6. Mr. Harding's son shall not work the events which Mr. Harding is assigned to supervise.

LAW

La. R.S. 42:1119A prohibits a member of the immediate family of an agency head from being employed in his agency.

La. R.S. 42:1112B(1) prohibits a public servant from participating in a transaction involving the governmental entity in which, to his actual knowledge, any member of his immediate family has a substantial economic interest.

La. R.S. 42:1112C allows a disqualification plan to be developed in accordance with rules adopted by the Board to remove a public servant from participating in transactions that would otherwise present violations of Section 1112 of the Code. The Board adopted rules in Chapter 14 of Title 52 of the Louisiana Administrative Code – Rules of the Board of Ethics that sets forth the reporting requirements for the disqualification plan.

ANALYSIS

Gregory Harding is not the Agency Head of the Parks and Recreation Department. Thus, the Code of Governmental Ethics would not prohibit his son from being employed in his agency. La. R.S. 42:1112B(1) would prohibit Gregory Harding from participating in a transaction involving the Parks and Recreation Department in which his son would have a substantial economic interest. The disqualification plan submitted by the TPCG meets the requirements adopted by the Board.

CONCLUSION

The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics would not prohibit the son of Gregory Harding from being employed by the TPCG as a Scorekeeper/Clock Operator in the Parks and Recreation Department at facilities on the east side of the parish while Gregory Harding serves as an Athletics Program Coordinator. Further, the disqualification plan submitted by the TPCG meets the requirements of Chapter 14 of Title 52 of the Louisiana Administrative Code – Rules of the Board of Ethics.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Governmental Ethics. The Board issues no opinion as to past conduct or as to laws other than the Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Acts, and the conflict of interest provisions contained in the Louisiana Gaming Control Law. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS

Gregory L. Thibodeaux
For the Board

DISCLAIMER
This is a draft opinion and it is **NOT** an opinion of the Louisiana Board of Ethics.
No party may rely on the facts or conclusions. The analysis and conclusions herein are provided for discussion purposes only, and are subject to change or revision at the meeting of the Board of Ethics at which this matter is considered.